

CB
CMT
corners substantially retain their shape when said pocket is disposed over said chair independent from a shape of said chair.

REQUEST FOR RECONSIDERATION

Applicant is amending claims 1, 11, and 14 solely to clarify the claimed invention. Applicant is including a marked-up copy of the amendments to the claims, with this responsive amendment. No new matter is added by the foregoing amendments and these amendments are fully supported by the specification. See, e.g., Appl'n, Page 7, Lines 17-19. Applicant respectfully requests that the Examiner reconsider the above-captioned patent application in view of the foregoing amendments and the following remarks.

REMARKS

1. Rejections

Claims 1-5 and 7-14 stand rejected under 35 U.S.C. § 102(b), as allegedly anticipated by each of U.S. Patent No. 4,892,353 to Goddard and U.S. Patent No. 4,553,785 to Duke Jr. et al. ("Duke"). Applicant respectfully traverses.

2. 35 U.S.C. § 102(b)

Claims 1-5 and 7-14 stand rejected as allegedly anticipated by each of Goddard and Duke. "A claim is anticipated if and only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP 2131. The Office Action alleges that Goddard and Duke both describe each and every element as set forth in claims 1-5 and 7-14. Applicant respectfully traverses.

Applicant has amended claims 1, 11, and 14 to describe a chair cover in which "said pocket is adapted to be disposed over a chair, wherein the attachment of said non-elastic flap and said second cover surface forms a plurality of substantially square corners, and said square corners substantially retain their shape when said pocket is disposed over said chair independent from a shape of said chair." (Emphasis added.) Thus, the corners initially are substantially square-shaped, and when the pocket is disposed over the chair, the corners remain substantially square-shaped regardless of whether the corners of the chair are square-shaped or are rounded. (Emphasis added.) As set forth in the Background of the Invention, because the corners of Applicant's chair cover are substantially square-shaped, the chair cover readily may be folded.

a. Duke

In contrast, Duke describes a chair cover 10 which includes a pair of pockets 17 which may be adapted to be disposed over opposite ends of a chair via an opening 18. Pockets 17 are tapered to conform to the shapes of the cantilevered chair frames 14 or 15 over which they engage snugly. See, e.g., Duke, Column 2, Lines 13-18; and **Fig. 1**. As such, Applicant maintains that the corners of pockets 17 are rounded in order to conform to the shape of the chair. Nevertheless, assuming arguendo that the corners of pockets 17 may be substantially square-shaped, because the corners of pockets 17 conform to the shape of the chair, the corners of pockets 17 do not retain their shape independent from the shape of the chair. Thus, Duke fails at least to describe a chair cover in which “the attachment of said non-elastic flap and said second cover surface forms a plurality of substantially square corners, and said square corners substantially retain their shape when said pocket is disposed over said chair independent from a shape of said chair,” as set forth in claims 1, 11, and 14. Therefore, Applicant respectfully requests that the Examiner withdraw the anticipation rejection of claims 1, 11, and 14 in view of Duke. Claims 2-5, 7-10, and 12-13 depend from claims 1 and 11, respectively. Therefore, Applicant respectfully requests that the Examiner withdraw the anticipation rejection of claims 2-5, 7-10, and 12-13 in view of Duke.

b. Goddard

Similarly, Goddard describes a chair cover 20 adapted to cover a chair 10. Specifically, cover 20 may include a pocket formed by a strip 31 adapted to be fitted over an upper end of chair 10, and a pocket 40 adapted to be fitted over a lower end of chair 10. Cover 10 also has an elastic middle portion 60 which is adapted to allow cover 20 to cover chairs of various sizes, and to pull the edges and corners of cover 20 inward. Nevertheless, as shown in **Fig. 1** of Goddard, the corners of pockets 31 and 40 conform to the shape of chair 10. See, e.g., Goddard, **Fig. 1**. Applicant maintains that the corners of pockets 31 and 40 are not substantially square-shaped before cover 20 is positioned over chair 10. Nevertheless, assuming arguendo that the corners of pockets 31 and 40 may be substantially square-shaped, because the corners of pockets 31 and 40 conform to the shape of chair 10, the corners of pockets 31 and 40 do not retain their shape independent from the shape of chair 10. Thus, Goddard fails at least to describe a chair cover in which “the attachment of said non-elastic flap and said second cover surface forms a plurality of substantially square corners, and said square corners substantially

retain their shape when said pocket is disposed over said chair independent from a shape of said chair," as set forth in claims 1, 11, and 14. Therefore, Applicant respectfully requests that the Examiner withdraw the anticipation rejection of claims 1, 11, and 14 in view of Goddard. Claims 2-5, 7-10, and 12-13 depend from claims 1 and 11, respectively. Therefore, Applicant respectfully requests that the Examiner also withdraw the anticipation rejection of claims 2-5, 7-10, and 12-13 in view of Goddard.

CONCLUSION

Applicant respectfully submits that this application is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that an interview with Applicant's representatives, either in person or by telephone, would expedite prosecution of this application, we would welcome such an opportunity.

Respectfully submitted,

BAKER BOTTS LLP

By

Timothy J. Chunga

Registration No. 48,340

Dated: March 24, 2003

Baker Botts LLP
The Warner; Suite 1300
1299 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2400
(202) 639-7700 (telephone)
(202) 639-7890 (facsimile)

JBA/TJC/dh

Enclosure



MARKED-UP COPY OF AMENDMENTS TO THE CLAIMS

IN THE CLAIMS:

Please amend original claims 1, 11, and 14, as follows:

1. (twice amended) A chair cover comprising:
 - a first cover surface;
 - a second cover surface; and
 - a non-elastic flap attached to said second cover surface, wherein said non-elastic flap and said second cover surface form a pocket therebetween, and said pocket is adapted to be disposed over a chair, wherein the attachment of said non-elastic flap and said second cover surface forms a plurality of substantially square corners, and said square corners substantially retain their shape when said pocket is disposed over said chair independent from a shape of said chair.
11. (twice amended) A chair cover comprising:
 - a first cover surface;
 - a second cover surface; and
 - a non-elastic flap attached to said second cover surface, wherein said non-elastic flap and said second cover surface form a pocket therebetween, and said pocket is adapted to be disposed over a chair, wherein the attachment of said non-elastic flap and said second cover surface forms a plurality of substantially square corners, and said square corners substantially retain their shape when said pocket is disposed over said chair independent from a shape of said chair, wherein at least a portion of said first cover surface and at least a portion of said second cover surface are disposed within said pocket.
14. (twice amended) A chair cover apparatus comprising:
 - a chair cover, wherein said chair cover comprises:
 - a first cover surface;
 - a second cover surface;
 - a non-elastic flap attached to said second cover surface, wherein said non-elastic flap and said second cover surface form a pocket therebetween; and
 - at least one side pocket attached to said first cover surface or said second cover surface; and

RECEIVED
APR 24 2003
GROUP 3600

a chair adapted to receive said chair cover, wherein said chair has an upper end and a lower end, said pocket is disposed over at least a portion of said upper end of said chair, said second cover surface directly contacts said chair, and said chair is positioned between said non-elastic flap and said second cover surface, wherein the attachment of said non-elastic flap and said second cover surface forms a plurality of substantially square corners, and said square corners substantially retain their shape when said pocket is disposed over said chair independent from a shape of said chair.